

416 Feed PCT/PTO 03 MAR 2000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

UKAI et al

Serial No. 09/462,633

Filed: January 27, 2000

Atty. Ref.: 423-54

Group: Unassigned

Examiner: Unknown

For: STABILIZED COMPOSITION COMPRISING A BENZIMIDAZOLE TYPE COMPOUND

\* \* \* \* \*

March 3, 2000

**Assistant Commissioner for Patents  
Washington, DC 20231**

Sir:

**RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C. § 371**

Responsive to the Notification of Missing Requirements mailed February 28, 2000

(a copy of which is attached), it is respectfully submitted that the executed Declaration was filed on January 27, 2000. A copy of the PTO mail room date-stamped postcard indicating receipt of the executed Declaration is attached hereto.

Confirmation of receipt of the executed Declaration is respectfully requested.

Respectfully submitted,

## **NIXON & VANDERHYE P.C.**

By:

**VANDERHITTE P.C.**



Arthur R. Crawford

Reg. No. 25,327

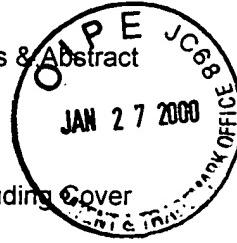
ARC:lsp

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Serial No.: 09/462,633                  Atty: ARC  
Applicant: UKAI, Koji, et al                  Date: January 27, 2000  
Client/Matter: 423-54

Title: STABILIZED COMPOSITION COMPRISING A BENZIMIDAZOLE  
TYPE COMPOUND

Amendment  
Pages Specification, Claims & Abstract  
Claims  
Sheets of Drawings  
 Declaration (2 Pages)  
 Assignment (3 Pages) Including Cover  
Priority Document(s)  
Base Issue Fee Transmittal  
**\$40.00** Fee (Check)  
Other: **IDS AND REFERENCES.**



09/462633

423-54  
ARC

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

09/462,633

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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NIXON & VANDERHYDE  
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5071

INTERNATIONAL PCT/DO/EO/917 02098

I.A. FILING DATE	01/20/98	PRIORITY DATE	01/20/98
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02/28/00

DATE MAILED:

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- a Designated Office (37 CFR 1.494),
- an Elected Office (37 CFR 1.495):
- U.S. Basic National Fee.
- Copy of the international application in:
  - a non-English language.
  - English.
- Translation of the international application into English.
- Oath or Declaration of inventor(s) for DO/EO/US.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s) filed 11 JAN 2000 and \_\_\_\_\_.
- Information Disclosure Statement(s) filed 11 JAN 2000 and \_\_\_\_\_.
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification filed \_\_\_\_\_.
- Statement Claiming Small Entity Status.
- Priority Document.
- Copy of the International Search Report  and copies of the references cited therein.
- Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
  - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.  
 5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

S&amp;S

**A copy of this notice **MUST** be returned with this response.**

Enclosed:  PCT/DO/EO/917       Notice of Defective Translation  
 PTO-875

Francine Young  
National Stage Processing

FORM PCT/DO/EO/905 (December 1997)

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